

House Amendment 1230

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1 1 Amend Senate File 57, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, by inserting before line 1, the
1 4 following:
1 5 <Section 1. Section 335.11, Code 2005, is amended
1 6 to read as follows:
1 7 335.11 MEMBERSHIP OF BOARD.
1 8 The board of adjustment shall consist of five,
1 9 ~~seven, or nine~~ members, a majority of whom shall
1 10 reside within the county but outside the corporate
1 11 limits of any city, ~~each to.~~ Members of a five-member
1 12 board shall be appointed for a term of five years,
1 13 ~~excepting except~~ that when the board shall first be
1 14 created one member shall be appointed for a term of
1 15 five years, one for a term of four years, one for a
1 16 term of three years, one for a term of two years, and
1 17 one for a term of one year. Members of a seven-
1 18 member board shall be appointed for a term of five
1 19 years, except when the board shall first be created
1 20 two members shall be appointed for a term of five
1 21 years, two members for a term of four years, one for a
1 22 term of three years, one for a term of two years, and
1 23 one for a term of one year. Members of a nine-member
1 24 board shall be appointed for a term of five years,
1 25 except when the board shall first be created three
1 26 members shall be appointed for a term of five years,
1 27 two members for a term of four years, two for a term
1 28 of three years, one for a term of two years, and one
1 29 for a term of one year. A five-member board shall not
1 30 carry out its business without having three members
1 31 present, a seven-member board shall not carry out its
1 32 business without having four members present, and a
1 33 nine-member board shall not carry out its business
1 34 without having five members present. Members shall be
1 35 removable for cause by the appointing authority upon
1 36 written charges and after public hearing. Vacancies
1 37 shall be filled for the unexpired term of any member
1 38 whose term becomes vacant.
1 39 Sec. _____. Section 335.17, Code 2005, is amended to
1 40 read as follows:
1 41 335.17 VOTE REQUIRED.
1 42 The concurring vote of three members of the board
1 43 in the case of a five-member board, and four members
1 44 in the case of a seven-member board, and five members
1 45 in the case of a nine-member board, shall be necessary
1 46 to reverse any order, requirement, decision, or
1 47 determination of any such administrative official, or
1 48 to decide in favor of the applicant on any matter upon
1 49 which it is required to pass under any such ordinance
1 50 or to effect any variation in such ordinance.
2 1 Sec. _____. NEW SECTION. 335.26 TRANSITIONAL
2 2 PROVISIONS.
2 3 Of the two additional members which may be
2 4 appointed to increase a five-member board of
2 5 adjustment to a seven-member board on or after July 1,
2 6 2005, one member shall be appointed to an initial term
2 7 of five years and one member shall be appointed to an
2 8 initial term of four years. The terms of office of
2 9 members of a board of adjustment serving unexpired
2 10 terms of office on or after July 1, 2005, shall expire
2 11 according to their original appointments.
2 12 Of the four additional members which may be
2 13 appointed to increase a five-member board of
2 14 adjustment to a nine-member board on or after July 1,
2 15 2005, one member shall be appointed to an initial term
2 16 of five years, one member to an initial term of four
2 17 years, one to an initial term of three years, and one
2 18 to an initial term of two years. The terms of office
2 19 of members of a board of adjustment serving unexpired
2 20 terms of office on or after July 1, 2005, shall expire
2 21 according to their original appointments.
2 22 Of the two additional members which may be
2 23 appointed to increase a seven-member board of
2 24 adjustment to a nine-member board on or after July 1,

2 25 2005, one member shall be appointed to an initial term
2 26 of five years and one member shall be appointed to an
2 27 initial term of four years. The terms of office of
2 28 members of a board of adjustment serving unexpired
2 29 terms of office on or after July 1, 2005, shall expire
2 30 according to their original appointments.>
2 31 [#2.](#) Title page, line 1, by inserting after the
2 32 word <Act> the following: <authorizing the
2 33 appointment of a seven=member or nine=member county
2 34 zoning board of adjustment and>.
2 35 [#3.](#) By renumbering as necessary.
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2 39 _____
2 39 FALLON of Polk
2 40 SF 57.702 81
2 41 sc/gg/290